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Attorney General's Office Wins Two Court Actions Against Western Union

(Phoenix, Ariz. – March 15, 2007) The Arizona Court of Appeals and Maricopa County Superior Court Judge James H. Keppel handed down decisions in the past week supporting the Attorney General's ongoing investigations into human and drug smuggling.

"These court actions will make it harder for 'coyote' organizations and drug smugglers to do business in Arizona," Goddard said.

The Arizona Court of Appeals on Tuesday overturned a lower court decision and issued an order protecting privileged and confidential information obtained by the Attorney General's Office that relates to the smuggling investigations. Western Union had petitioned the Maricopa County Superior Court to request pretrial discovery, including deposing investigators and reviewing investigative files. The court said the company was entitled to contest the asserted grounds of the subpoena, but it was not entitled to discovery to make its case.

In a separate decision last week, Judge Keppel ordered Western Union to comply with past and future subpoenas requesting data related to wire transmissions sent to Sonora, Mexico. Information obtained with the subpoena will be used in investigations into human and drug smuggling.

The Attorney General's Office, the Department of Public Safety, the Phoenix Police Department, the Immigration and Customs Enforcement and the Arizona Department of Financial Institutions have collected money transmitter data in investigations of "coyote" and drug smuggling organizations operating in Arizona for several years.

Judge Keppel found that the information sought is relevant to the investigation of racketeering offenses in Arizona. The order states: "...if a human smuggler in Arizona calls a person in New Jersey ("sponsor") who is willing to pay the transportation fee for an undocumented person and has that sponsor send money from New Jersey to an associate in Sonora to pay for the transportation of the undocumented person ("client") from Phoenix to New Jersey, transportation of the client is an element of human smuggling, which has occurred in part in Arizona."

The two rulings are attached.

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